

NEW PATENT APPLICATION  
PRELIMINARY AMENDMENT

## PATENT

11. (Twice Amended) The assay method according to claim 1, wherein the microparticles used comprise a mixture of microparticles recognizing different analytes[, thus allowing the simultaneous assay of several analytes in the same sample].

REMARKS

The claims have been amended to avoid the 35 U.S.C. § 112, first and second paragraph, grounds of rejection as explained in the Advisory Action dated July 14, 1995, in parent application Serial No. 08/182,550.

The claims as amended are also believed to recite a biospecific assay method that is patentably distinct under 35 U.S.C. § 102 and 35 U.S.C. § 103 over the references cited in the art based rejections in the parent application. The arguments made in the response to the Final Action in the parent application are believed to be commensurate in scope with the claims (as amended herein) and reconsideration of these arguments is requested. Regarding the comparison in Appendix 5 to the response to the Final Action in the parent application, it can be seen from the comparison that the two methods are based on entirely different assay principles. In the conventional non-competitive immunoassay, all the analyte molecules in a fixed sample volume are attached to the immobilized antibody. In the occupancy method (Ekins) only a fraction of the analyte molecules is attached to the immobilized

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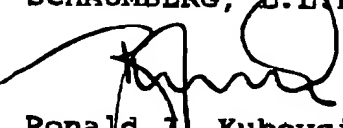
PATENT

antibody, wherein the amount of bound fraction is dependent only on the analyte concentration in the sample (according to law of mass action) and independent on the amount of sample.

In the event any fees are required, please charge our Deposit Account No. 01-0305.

Respectfully submitted,

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